

# COUNTY OF YORK

## MEMORANDUM

**DATE:** September 27, 2000 (BOS Mtg. 10/3/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Management Services Agreement/York County Library

### **Background**

In Virginia, Public Libraries are the responsibility of local governments. Sections 42.1-33 and 42.1-35 of the Code of Virginia, as amended, define the roles of localities in establishing Boards of Trustees and supporting libraries for “. . . the use and benefit of its residents.” As the Board is well aware, the County offers very comprehensive library services. Local tax dollars have provided staff, equipment, furnishings, collections, as well as constructed and maintained buildings.

Although the Commonwealth provides some annual funding for the purchase of books, periodicals and other collection items, it is very limited and represents a minor portion of the cost of library service. York will receive about \$200,000 from the state in FY2001. The current library budget is \$1,640,000 exclusive of funds which the County includes in the General Services budget for facilities maintenance and operations.

The Board of Supervisors appoints a five member Library Board of Trustees. The Supervisors and the Trustees have cooperated extremely well together and have much to be proud of in the development of this fine service for the citizens of the county. There is, however, no formal policy or agreement to address the operations of the library. Chapter 13 of the York County Code was adopted originally in 1976 (I assume at the time the library was established) to set up the library operation. Unfortunately, Chapter 13 contains a number of provisions that are not in compliance with state law and, other than the provisions that are not in compliance with state law, is merely a recital of provisions that exist today in the Code of Virginia.

To date, the responsibility for Library operations has been handled by a combination of effort from the Library Board of Trustees and County staff. Although amicable, this provides no formal structure or assurances for the employees, the Trustees, or the Board of Supervisors. As the size and complexity of York's library system has greatly increased, the absence of a formal management system becomes even more problematic. In the context of library services, the absence of a formal agreement represents considerable risk for serious personnel or fiscal problems for both the Supervisors and the Trustees.

### **Current Issue**

I believe that it is essential to clarify roles and responsibilities, make formal those implied commitments between the Board and the Trustees, and provide library staff with a clear and sound structure for operations. For the past year, County staff have been working with the Trustees to develop a satisfactory Management Services Agreement.

The Agreement is short, but I believe it covers all necessary points. The Library Trustees have indicated to me a strong desire to establish their role as the responsible party for library operations. The Agreement assures that role and provides a suitable framework for the exercise of their authority. It establishes a clear legal relationship between the Board of Supervisors and the Library; assures compensation and benefits of Library employees; addresses the County ownership of Library facilities and provides for the application of appropriate County policies. It provides for termination at the end of any fiscal year with the provision of 180 days notice by either party. There also is a provision for requesting essential amendments by either party. The agreement does add some formal communication between the Library Trustees and the County to insure that County policies (particularly personnel policies) are adhered to.

The Board reviewed the proposed Agreement at your work session on August 8, 2000. Thereafter, the Library Board of Trustees took formal action to approve the Agreement as presented and you will find their resolution attached.

### **Recommendation**

I recommend approval of Resolution R00-161 to authorize execution of the attached Management Services Agreement effective October 15, 2000. It is also my recommendation that the Board of Supervisors hold a public hearing and take all actions necessary to delete Chapter 13 "Library" of the York County Code.

DMS:Smith/4111

#### **Attachments:**

- Resolution R00-161
- Proposed Library Management Services Agreement
- Resolution of Library Board of Trustees